S.B.Cr.Misc. Bail App. No. 5385/2007
(Prahlad and Ors. Vs. State of Rajasthan)

Date of order : 15/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Sandeep Mehta for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioners that the head injury has been assigned to co-accused Madan who is not before this Court. It is further contended that the occurrence took place on 4.3.2007 and injured died on 12.3.2007.

On careful perusal of the statement of the injured himself which was recorded by the police on 10.3.2007, it appears that he categorically stated that Madan inflicted head injury which appears to be the injury above the eyebrow and petitioner Prahlad alleged to have inflicted injury on the parietal region. There is evidence that Bheru also inflicted injury on the left arm, the injuries assigned to Madan, Prahlad and Bheru corroborates with the injury report as also the postmortem report. In the circumstances, therefore, it is not a fit case to release the petitioner No.1 Prahlad and petitioner No.3 Bheru on bail.

The bail application filed by petitioners No.1 Prahlad and petitioner No.3 Bheru is therefore, dismissed.

However, having regard to the facts and circumstances of the

case and the injury alleged to have been caused by petitioner No.2 Raju does not corroborate with the injury as stated by the injured, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners No. 2, 4 and 5 on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Raju S/o Narayan, Bhooma S/o Narayan and Debi S/o Bhooma be released on bail in FIR No. 47/2007 P.S. Shahpura, district Bhilwara, provided each of them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP